

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DALLAS BUYERS CLUB, LLC,)	
)	
Plaintiff,)	Case No.: 14-cv-2302
)	
v.)	
)	Judge Gary Feinerman
CAROL WALTERS, JOSH WATERMAN)	
YASMIN PATEL, DEBORAH ROMAN,)	
PATRICK CURTH, SAM MATE and)	
ROXANNE BENNETT,)	
)	
Defendants.)	

**PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT AND DAMAGES AGAINST
DEFENDANTS YASMIN PATEL AND DEBORAH ROMAN**

Plaintiff Dallas Buyers Club, LLC, (“Dallas Buyers Club” or “Plaintiff”), by its attorneys, Hughes Socol Piers Resnick & Dym, Ltd., hereby moves this Court to award damages of \$10,000 each against Defendants Yasmin Patel and Deborah Roman (hereinafter collectively “Defendants”), to grant injunctive relief, to award attorneys’ fees of \$4,193.50 against these Defendants and to award of costs of \$118.00 against these Defendants. In support of this request, Plaintiff states as follows:

1. On March 11, 2015, the Court granted Plaintiff’s motion for entry of default against Defendants Yasmin Patel and Deborah Roman, and the clerk entered default on the same date. *See* Docket No. 56.

2. Plaintiff respectfully requests that the Court award it statutory damages against Defendants as provided by 17 U.S.C. § 504. Pursuant to 17 U.S.C. § 504 (c)(2), the Court, upon a finding of willful infringement, may “increase the award of statutory damages to a sum of not more than \$150,000.” 17 U.S.C. § 504(c)(2). Because the infringement here was willful, Plaintiff seeks \$10,000 from each defendant.

3. The Court is authorized to grant permanent injunctive relief to prevent or restrain copyright infringement. *See* 17 U.S.C. § 502(a). Courts routinely issue injunctive relief against Defendants as part of a default judgment where, as here, an online media distribution system was used to download and distribute copyrighted works without permission.

4. Plaintiff can demonstrate that a permanent injunction is appropriate as it will cause no harm to Defendants and will prevent further infringement of Plaintiff's copyrights. Therefore, Plaintiff respectfully requests that the Court grant Plaintiff injunctive relief in addition to statutory damages.

5. Under the Copyright Act, Plaintiff is entitled to recovery of its costs of suit and attorneys' fees incurred in this action. Specifically, Section 505 of the Copyright Act expressly authorizes recovery of "full costs by or against any party other than the United States or an officer thereof," and further provides that a court may award reasonable attorneys' fees to the prevailing party as part of the costs. 17 U.S.C. § 505. Courts award costs and attorneys' fees to prevailing plaintiffs on default judgment, and especially when the infringement is willful.

6. In this case, Plaintiff seeks an award of attorneys' fees for services relating to preparation and presentment of the Motion for Entry of Default and this Motion for Default Judgment and Damages totaling 9.9 hours.

7. Plaintiff's lead attorney, Michael A. Hierl, has been licensed to practice law since 1980, is admitted to the Trial Bar for the Northern District of Illinois, and has many years of experience handling litigation matters. Mr. Hierl has been AV-preeminent rated by Martindale-Hubbell for over 25 years. Mr. Hierl's declaration is attached to Plaintiff's Memorandum in Support of this Motion as Exhibit A.

8. In addition to Mr. Hierl, attorney Mark A. Cisek worked on this matter.

9. Mr. Hierl's billing rate is \$485 in 2015. Mr. Cisek's billing rate is \$390 in 2015. In total, the firm has performed spent 9.9 hours in attorney time on the Motion for Entry of Default and this Motion. *See* Exhibit A.

10. Plaintiff's case was strong to the extent that Defendants Yasmin Patel and Deborah Roman's IP address were connected to the illegal downloading of Plaintiff's movie using BitTorrent technology.

11. Plaintiff incurred costs of \$118.00 in process server charges attributable to the Defendants to prosecute this case. *See* Exhibit A.

12. Pursuant to 17 U.S.C. § 505, Plaintiff seeks attorneys' fees for 9.9 hours of work performed, or for \$4,193.50, and costs in the amount of \$118.00.

13. The arguments in this Motion are further supported by and expanded upon in Plaintiff's Memorandum in Support of Plaintiff's Motion for Default Judgment and Damages Against Defendants Yasmin Patel and Deborah Roman, which is attached and incorporated herein by reference.

WHEREFORE, Plaintiff Dallas Buyers Club, LLC, respectfully requests that this Honorable Court award damages in favor of Plaintiff and against Defendants Yasmin Patel and Deborah Roman as follows:

- (A) Award Plaintiff statutory damages in the amount of \$10,000 against each Defendant pursuant to 17 U.S.C. § 504(c)(1);
- (B) Permanently enjoin Defendants from directly infringing Plaintiff's rights in Plaintiff's copyrighted Movie, including, without limitation, by using the Internet, BitTorrent or any other online media distribution system to reproduce (e.g., download) or distribute the Movie, or to make the Movie available for distribution to the public, except pursuant to a lawful license or with the express authorization of Plaintiff;
- (C) Order that Defendants destroy all copies of Plaintiff's Movie that Defendants have downloaded onto any computer hard drive or server without Plaintiff's authorization,

and destroy all copies of the Movie transferred onto any physical medium or device in Defendants' possession, custody or control;

(D) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505 in the amounts of \$4,193.50 and \$118.00, respectively; and

(E) Grant Plaintiff any other and further relief this Court deems just and proper.

DATED: April 15, 2015

Respectfully submitted,

Dallas Buyers Club, LLC

By: s/ Michael A. Hierl
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Attorneys for Plaintiff
Dallas Buyers Club, LLC

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copies of the foregoing: (1) Plaintiff's Motion for Default Judgment and Damages Against Defendants Yasmin Patel and Deborah Roman; and (2) Plaintiff's Memorandum in Support of Plaintiff's Motion for Default Judgment and Damages Against Defendants Yasmin Patel and Deborah Roman were filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system and by Federal Express to

Yasmin Patel
2 Cardinal Court
Streamwood, IL 60107

and

Deborah Roman
104 N. Du Page Avenue
Elmhurst, IL 60126

on April 15, 2015.

s/Michael A. Hierl